

REMARKS/ARGUMENTS

Claims 1-8 are pending in this application.

The claims have been rejected as unpatentable over Ogasawara and Ueda et al. Applicant objects to the rejection over Ueda, since the present application was filed on December 7, 2000, before the US filing date and the US publication date of Ueda. Ueda does have a Japanese filing date prior to the US filing date of the present application. However, the amendment to 35 USC §102(e) effective November 29, 2000 did not apply to applications filed before that date. A copy of §102(e) with the notation regarding the effective date is enclosed for the Examiner's information.

As noted in the Office action, Ogasawara does not disclose delivering a physical object to a recipient, reading the identification, or accessing a web site. Accordingly, the invention is non-obvious from Ogasawara alone.

Additionally, even if Ueda was proper prior art, there is nothing in either Ueda or Ogasawara to suggest combining them in the manner which would provide the present invention. Ogasawara is directed to a system for managing expiration date products using an electronic receipt. Ueda, on the other hand, is directed to an electronic authentication system. It would not be obvious to combine such disparate systems for such disparate purposes to provide the present invention absent hindsight.

CONCLUSION

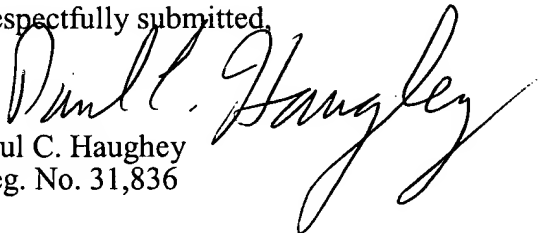
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 09/733,512
Response dated February 3, 2005
Reply to Office Action of August 12, 2004

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


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Enclosure
- 35 USC §102(e), page 35

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tificate filed more than twelve months before the filing of the application in the United States, or

(e)* the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or

(f) he did not himself invent the subject matter sought to be patented, or

(g) (1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person's invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or (2) before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection, there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

(July 19, 1952, ch. 950, §1, 66 Stat. 797; July 28, 1972, Pub. L. 92-358, §2, 86 Stat. 502; Nov. 14, 1975, Pub. L. 94-131, §5, 89 Stat. 691; Nov. 29, 1999, Pub. L. 106-113, §§4505, 4806, 113 Stat. 1501A-565, 590; Nov. 2, 2002, Pub. L. 107-273, §13205, 116 Stat. 1902.)

* *Ed. Note:* Pursuant to sec. 13205 of Pub. L. 107-273, this version of 35 U.S.C. §102(e) shall be effective as of November 29, 2000 and shall apply to all patents and all patent applications pending on or filed after November 29, 2000. Patents resulting from an international application filed before November 29, 2000 and applications published pursuant to section 122(b) or Article 21(2) of the treaty defined in section 351(a) resulting from an international application filed before November 29, 2000 shall not be effective as prior art as of the filing date of the international application; however, such patents shall be effective as prior art in accordance with section 102(e) in effect on November 28, 2000.